IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 22454 of 2004

Between:

1 Y.Venkat Reddy, S/o.Y.Pulla Reddy,
R/O.H.No.9-7-168/2, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.
2 K.Bhagyasekhar Reddy, S/o.Ramakrishna Reddy,
R/O.H.No.9-7-165, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.
3 M.Pratap Reddy, S/o.M.Naresh Reddy,
R/O.H.No.9-7-164, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.
4 G.Amaresh, S/o.G.Pentaiah,
R/O.H.No.9-7-176/1, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.
5 G.Suresh, S/o.G.Pentaiah,
R/O.H.No.9-7-176/1, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.
6 B.Subhash Reddy, S/o.B.Chandra Reddy,
R/O.H.No.9-7-173/1, R/o.Maruthinagar East,
Champapet, L.B.Nagar, Hyderabad.

..... PETITIONER(S)

AND

1 The Municipal Commissioner, L.B.Nagar Municipality, L.B.Nagar, Ranga Reddy District.
2 M/s.Shilpi Constructions, rep.by G.Prabhakar Reddy,
R/o.5-25/63, plot No.10, Sy.No.11 & 12, Maruthinagar East, Champapet,

Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the 1st respondent in not taking any steps against the illegal construction of the 2nd respondent in plot No.10(5-25/63) situated at Maruthinagar East, Champapet, L.B.Nagar is illegal, arbitrary and unjust; and consequently direct the 1st Respondent to take action against illegal constructions according to the Apartments Act (permission of Construction and ownership Act Rules and Regulations, 1987) and pass such other order or orders.

Counsel for the Petitioners:MR.B.SHIVA KUMAR

Counsel for the Respondent No.1: MR.R.TIMMA REDDY

Counsel for the Respondent No.2: Mr.Polisetty Radhakrishna

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

According to learned counsel for Respondent No.1, building permission was obtained by one S.Venkata Reddy. It was granted by Order No. G1/BP/570/04, on 11.8.2004 by the 1st respondent. When it was noticed that there were certain deviations on the said constructions, notices were issued on 24.11.2004 and 30.11.2004.

Petitioner has impleaded M/s. Shilpi Constructions, represented by Sri G. Prabhakar Rao as party respondent, which is the construction company.

Considering the facts and circumstances, no further and other orders deserves to be passed in this petition except by issuing direction to the 1st respondent to take all steps as are permissible in Law to ensure that no deviation takes place of the sanctioned plan and in case any deviation takes place, to take appropriate steps for demolishing the illegal constructions strictly in accordance with law.

However, it will be for the 1st respondent to ensure that notices be issued to Sri G.Prabhakar Reddy of M/s. Shilpi Constructions, if he undertakes any constructions contrary to the sanctioned plan and to take steps for removing those illegal constructions after affording opportunity of hearing to him.

The writ petition stands disposed of accordingly. No costs.

_____

DEVINDER GUPTA, CJ

Date: 27th December, 2004

_____

B. SESHASAYANA REDDY, J

Pnb

To

1. The Municipal Commissioner, L.B.Nagar Municipality, L.B.Nagar, Ranga Reddy District.

2. Two C.D. copies